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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 05-00252 DAE
	)	
Plaintiff,	)	
	)	ORDER GRANTING MOTION TO
vs.	)	CONTINUE TRIAL AND
	)	EXCLUDING TIME
DAWE GLOVER,	)	
	)	Old trial date: 08/29/06
Defendant.	)	New trial date: 01/09/07
	)	

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ORDER GRANTING MOTION TO CONTINUE TRIAL AND EXCLUDING TIME

On July 31, 2006, this case came on for a pretrial conference before the Court. Lawrence L. Tong appeared for the United States, and Samuel P. King, Jr. appeared for defendant Dawe Glover, whose presence was waived. Defense counsel represented that he will be unable to proceed to trial on August 29, 2006 as scheduled. Defense counsel will need to be on the mainland United States in late August to attend to family matters, and defendant is in need of surgery. Government's counsel has a trial beginning on September 19, 2006 which is

expected to last until the end of October. Government's counsel has other trials scheduled throughout November and December 2006. Defense counsel thus orally moved for continuance of the trial, and both parties agreed that January 9, 2007 would be the first date on which they would both be able to proceed to trial. The Court having considered the foregoing representations, and good cause appearing,

IT IS HEREBY ORDERED that the motion be and is granted, and that the trial of this case shall be continued from August 29, 2006 to January 9, 2007 before United States District Judge David A. Ezra. Defendant's motions shall be filed by November 27, 2006, and the government's responses shall be filed by December 11, 2006. A final pretrial conference shall be held on December 11, 2006 at 10:00 a.m. before United States Magistrate Judge Barry M. Kurren.

IT IS FURTHER ORDERED that the time from August 29, 2006 up to and including January 9, 2007 shall be deemed excludable time within the meaning of the Speedy Trial Act, 18 U.S.C. §§ 3161 et seq., on the grounds that the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial. In making this finding, the Court notes that a failure to grant the requested continuance would unreasonably deny defendant continuity of counsel, and would deny defense counsel and government's counsel the reasonable time necessary for effective

preparation, taking into account the exercise of due diligence.

18 U.S.C. § 3161(h)(8)(B)(iv).

DATED: August 11, 2006, Honolulu, Hawaii.



  
Kevin S.C. Chang  
United States Magistrate Judge

United States v. Dawe Glover

Cr. No. 05-00252 DAE

"Order Granting Motion to Continue Trial and Excluding Time"